

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ABBOTT LABORATORIES,	:	
an Illinois corporation,	:	
	:	
Plaintiff/Counterclaim-Defendant,	:	
	:	
v.	:	Civil Action No. 07-754 (GMS)
	:	
BANNER PHARMACAPS INC.	:	
a Delaware corporation,	:	
	:	
Defendant/Counterclaim-Plaintiff.	:	

STIPULATION AND ORDER REGARDING EXTENSION OF TIME

Subject to the approval of the Court, Plaintiff/Counterclaim-Defendant Abbott Laboratories (“Abbott”), and Defendant/Counterclaim-Plaintiff Banner Pharmacaps Inc. (“Banner”), by their undersigned attorneys, hereby stipulate and agree that Banner shall have until March 10, 2008, to file a response to Abbott’s Motion to Dismiss (D.I. 11).

Abbott’s Motion was both electronically filed and served on Banner by hand delivery, and the reason for the Stipulation is to make clear (out of an abundance of caution) that, pursuant to this Court’s CM/ECF guidelines, Banner’s response to Abbott’s Motion is due on March 10, 2008 (since CM/ECF filing “add[s] 3 calendar days for mailing”), and not March 5, 2008 (the deadline if the service was solely by means of hand delivery).

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Attorneys for Abbott Laboratories

Dated: March 4, 2008

SO ORDERED this _____ day of March, 2008.

United States District Judge

WCSR 3853592v1